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July 31, 2020

BY ECF

Honorable Alison J. Nathan
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

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**Re: *City of Almaty, Kazakhstan, et ano. v. Felix Sater, et al.*,
Case No. 19 Civ. 2645 [rel. 15 Civ. 5345] (AJN) (KHP)**

Dear Judge Nathan:

We represent the City of Almaty, Kazakhstan and BTA Bank (the “Kazakh Entities”). Pursuant to 28 U.S.C. § 1781(b) and the Hague Convention on the Taking of Evidence Abroad in Civil or Commercial Matters, Mar. 18, 1970, 23 U.S.T. 2555, 847 U.N.T.S. 231, we respectfully submit this application requesting that the Court issue the enclosed Hague Convention Requests for International Judicial Assistance to the Central Authorities of Cyprus and France, in the forms attached hereto as Exhibit 1 (Cyprus) and Exhibit 2 (France).¹ The Kazakh Entities have conferred with the parties (with the exception of Ferrari Holdings and MeM Energy Partners, which are in default) and shared with them copies of these letters of request, and none of the parties have opposed the issuance of the enclosed Letters of Request in the attached forms. We therefore respectfully request that the Court issue the attached letters of request, which are described further below.

Cyprus (Exhibit 1): The attached proposed Letter of Request to Cyprus seeks assistance from the Senior Master of the Ministry of Justice and Public Order of Cyprus in obtaining documents relating to bank accounts for shell companies that the Kazakh Entities allege Mukhtar Ablyazov and his confederates used at OJSC Promsvyazbank, Cyprus Branch, to move and launder funds stolen from BTA. Specifically, as it relates to the allegations in this case, the requested bank records concern the transfer of stolen assets that were used to fund the U.S. investment schemes alleged in the Amended Complaint. Following the death of one of Ablyazov’s nominees who controlled an investment in a gas company purchased with stolen funds, Ablyazov entered into a transaction with the nominee’s estate to move the stolen assets to the control of a different nominee. The requested bank records are evidence of the transaction to transition control of the stolen assets to a new nominal owner.

France (Exhibit 2): The attached proposed Letter of Request to France seeks the assistance

¹ The Kazakh Entities are transmitting this letter to the Court by both ECF and email per the Court’s Emergency Individual Rules and Practices in Light of COVID-19. The emailed version will have attached two copies of each proposed Letter of Request, to comply with the U.S. Department of State’s recommendation that Hague Convention requests be prepared in duplicate. Both copies will be labeled Exhibit 1 (Cyprus) and Exhibit 2 (France).



of the French Ministry of Justice in deposing Mukhtar Ablyazov, a key third-party witness in this matter. The Kazakh Entities allege that Ablyazov, the former Chairman of BTA Bank, stole billions of dollars in Kazakhstan through embezzlement from BTA Bank, and that Ablyazov conspired with others to launder proceeds of his crimes into the United States through numerous investment schemes, five of which are at the heart of this lawsuit. Ablyazov's counsel expressed that he could only be deposed in France pursuant to the Hague Convention. The attached proposed Letter of Request to France seeks the permission of the French Ministry of Justice in deposing Ablyazov in that country, and identifies the topics for the proposed deposition. The Request is modeled off the version used successfully in the related case [No. 15 Civ. 5345] to secure Mr. Ablyazov's testimony previously. The defendants in this case have objected to the use of that prior testimony, meaning Mr. Ablyazov will likely need to be deposed again for the purposes of this case absent a stipulation or Court order to the contrary.

If the attached proposed Letters of Request are acceptable to the Court, we respectfully request that Your Honor endorse these letter applications, and take the following actions:

1. The Kazakh Entities respectfully request that Your Honor sign both of the duplicates for each Letter of Request attached to the hand-delivered copy of this application.
2. The Kazakh Entities respectfully request that Your Honor then direct the Clerk of the Court to:
 - a. apply the seal of the Court to both signed copies of each Letter of Request;
 - b. file a copy of each signed Letter of Request in the docket of this action; and
 - c. return the two signed copies of each Letter of Request and Commission to undersigned counsel to be transmitted to the designated Hague Convention Central Authorities, at the below addresses.

Cyprus:

Ministry of Justice and Public Order
 125 Athalassas Avenue
 1461 NICOSIA
 Cyprus

France:

Ministère de la Justice
 Direction des Affaires Civiles et du Sceau
 Bureau du droit de l'Union, du droit international privé et de l'entraide civile
 (BDIP)
 13, Place Vendôme
 75042 Paris Cedex 01

In keeping with the Court's practice in other Hague requests in the related case, we will send a messenger to the Courthouse to pick up all originals from the Clerk's Office once executed.

BSF

Thank you for your consideration of this request.

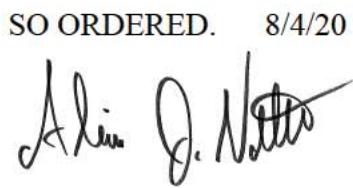
Respectfully,

/s/ Craig Wenner

Craig Wenner

The Kazakh Entities' request is hereby GRANTED
for the reasons stated in this letter. The letters may
be picked up from the Clerk's Office.
SO ORDERED.

SO ORDERED. 8/4/20



Alison J. Nathan, U.S.D.J.